

REMARKS

The preceding amendments and following remarks are submitted in response to the non-final Office Action mailed on May 19, 2009. With this Amendment, claims 1, 11, 13, 16, and 17 have been amended, and claim 12 has been cancelled. Claims 1-5, 11, 13, and 16-19 are thus currently pending in the application. Reconsideration of all pending claims and allowance of the application in view of the present response is respectfully requested.

Claim Objections

The Office Action objected to claim 12 under 37 CFR § 1.75(c) as being of improper dependent form for failing to further limit the subject matter of a previous claim.

With this Amendment, claim 12 has been cancelled, thus obviating the objection of that claim under 37 CFR § 1.75(c).

35 U.S.C. § 102(a) Rejections

Claims 1, 2, 11-12, and 16-19 were rejected under 35 U.S.C. § 102(a) as being anticipated by U.S. Patent No. 6,270,290 (hereinafter "*Stankus*").

Without acquiescing to this rejection, and in order to advance prosecution of the application, claims 1, 11, 13, and 16-17 have been amended in the manner suggested by the Examiner on page 6 of the Office Action. In particular, independent claims 1, 11, and 16-17 have each been amended to now recite, among other elements, that "all the strands of the tendon extend at least in part around the outermost surface of a rigid element contained in the bulbous portion." Independent claim 13 has also been amended to now recite "wherein all the strands of the tendon extend at least in part around the outermost surface of the rigid element contained in the bulbous portion."

Stankus does not disclose, teach, or suggest a tendon composed of a plurality of strands in which all of the strands extend at least in part around the outermost surface of a rigid element contained in a bulbous portion. Instead, *Stankus* teaches that a central strand is threaded through the interior of a nut or washer (32) forming one of the birdcages (24), thus

suggesting that not all of the strands forming the cable (14) extend at least in part around the outermost surface of the nut or washer.

As such, *Stankus* fails to disclose each and every element required by amended claims 1, 11, 13, and 16-17. Consequently, amended claims 1, 11, 13, and 16-17 are patentable over *Stankus*. In addition, dependent claims 2 and 17-19 are also patentable over *Stankus* for at least the same reasons as to amended claims 1 and 16.

35 U.S.C. § 103 Rejections

Claims 3 and 5 were rejected under 35 U.S.C. § 103(a) as being unpatentable over *Stankus*. Claim 4 was rejected under 35 U.S.C. § 103(a) as being unpatentable over *Stankus* in view of U.S. Patent No. 3,332,244 (hereinafter “*McLean*”). Claims 13 and 17-19 were rejected under 35 U.S.C. § 103(a) as being unpatentable over *Stankus* in view of U.S. Patent No. 5,531,545 (hereinafter “*Seegmiller*”).

As discussed previously, *Stankus* does not disclose, teach, or suggest that all the strands of the tendon extend at least in part around the outermost surface of a rigid element contained in the bulbous portion, as required by amended claims 1, 13, and 17. The *McLean* and *Seegmiller* patents, in combination with *Stankus*, likewise fail to disclose at least this feature of claims 1, 13, and 17. *Seegmiller*, for example, discloses a cable bolt structure having a different configuration in which a number of cylindrical elements (21,22) are disposed over a king wire or central wire (19). In an alternative version, *Seegmiller* discloses a cylindrical member (35) that is pressed over the cable length (18). In either version, *Seegmiller* does not disclose that all of the strands of the cable extend at least in part around the outermost surface of the cylindrical member contained in a bulbous portion of the cable.

Consequently, claims 3-5, which depend from amended claim 1, and claims 18-19, which depend from claim 17, are also patentable over the cited art for at least the same reasons as to claims 1 and 17.

Conclusion

For the reasons explained above, all pending claims are now in condition for allowance. Accordingly, the Applicant respectfully requests that the Office issue a Notice of Allowance.

Any amendments to the claims are made to expedite prosecution of this application, without acquiescing to the Office's rejections or characterizations of the claims or references in the Office Action. Even if not expressly discussed above, the Applicant respectfully traverses each of the rejections, assertions, and characterizations regarding the disclosure and teachings of the cited references, including the prior art status and the propriety of proposed combinations of cited references.

The Applicant has made a good faith effort to respond to all rejections set forth in the Office Action and to place the pending claims in condition for immediate allowance. If the Examiner has any questions or comments, the Examiner is requested to contact the undersigned at 612/766-7694.

Respectfully submitted,

FAEGRE & BENSON LLP

By: / James G. Rodgers /
James G. Rodgers
Reg. No. 48,306
612/766.7694
Customer No.: 25764

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